

MUNGER, TOLLES & OLSON LLP

355 SOUTH GRAND AVENUE
THIRTY-FIFTH FLOOR
LOS ANGELES, CALIFORNIA 90071-1560
TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

560 MISSION STREET
SAN FRANCISCO, CALIFORNIA 94105-2907
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

December 7, 2007

ROBERT K. JOHNSON¹
ALAN V. FRIEDMAN¹
RONALD L. OLSON¹
RICHARD S. VOLPERT
DENNIS C. BROWN¹
ROBERT E. DENHAM
JEFFREY I. WEINBERGER
ROBERT L. ADLER
CARY B. LERMAN
CHARLES D. SIEGAL
RONALD K. MEYER
GREGORY P. STONE
VILMA S. MARTINEZ
BRAD D. BRIAN
BRADLEY S. PHILLIPS
GEORGE M. GARVEY
WILLIAM D. TEMKO
STEVEN L. GUISE¹
ROBERT B. KNAUSS
STEPHEN M. KRISTOVICH
JOHN W. SPIEGEL
TERRY E. SANCHEZ
STEVEN M. PERRY
MARK B. HELM
JOSEPH D. LEE
MICHAEL R. DOYEN
MICHAEL E. SOLOFF
GREGORY D. PHILLIPS
LAWRENCE C. BARTH
KATHLEEN M. McDOWELL
GLENN D. POMERANTZ
THOMAS B. WALPER
RONALD C. HAUSMANN
PATRICK J. CAFFERTY, JR.
JAY M. FUJITANI
O'MALLEY M. MILLER
SANDRA SEVILLE-JONES
MARK H. EPSTEIN
HENRY WEISSMANN
KEVIN S. ALLRED
BART H. WILLIAMS
JEFFREY A. HEINTZ
JUDITH T. KITANO
KRISTIN LINSLEY MYLES
MARK T.G. DMORSKY
JEROME C. ROTH
STEPHEN D. ROSE
JEFFREY L. BLEICH

GARTH T. VINCENT
TED DAINE
MARK SHINDERMAN
STUART N. SENATOR
MARTIN D. BERN
DANIEL P. COLLINS
RICHARD E. DROOYAN
ROBERT L. DELL'ANGELO
BRUCE A. ABBOTT
JONATHAN E. ALTMAN
MARY ANN TODD
MICHAEL J. O'SULLIVAN
DAVID B. GOLDMAN
BURTON A. GROSS
KEVIN S. MASUDA
HOJOON HWANG
KRISTIN S. ESCALANTE
DAVID C. DINIELLI
ANDREA WEISS JEFFRIES
PETER A. DETRE
PAUL J. WATFORD
DANA S. TREISTER
CARL H. MOOR
DAVID M. ROSENZWEIG
DAVID H. FRY
LISA J. DEMSKY
MALCOLM A. HEINICKE
GREGORY J. WEINGART
TAMERLIN J. GODLEY
JAMES C. RUITEN
J. MARTIN WILLHITE
RICHARD ST. JOHN
ROHIT K. SINGLA
LUS LI
CAROLYN HOECKER LUEDTKE
C. DAVID LEE
MARK H. KIM
BRETT J. RODDA
SEAN ESKOVITZ
SUSAN R. SZABO
LINDA S. GOLDMAN
NATALIE PAGES STONE
FRED A. ROWLEY, JR.
JOSEPH S. KLAPACH
MONIKA S. WENER
LYNN HEALEY SCADUTO
RANDALL G. SOMMER

AARON M. MAY
SCOTT E. MILLER
MARIA SEFERIAN
MANUEL F. CACHAN
ERIC J. LORENZINI
KATHERINE K. HUANG
KATHERINE M. FORSTER
ROSEMARIE T. RING
JOSEPH J. YBARRA
BLANCA FROMM YOUNG
OZGE GUZELSU
KATE K. ANDERSON
ALISON J. MARKOVITZ
E. DORSEY HEINE
SAMUEL N. WEINSTEIN
PAUL M. ROHRER
KIT JOHNSON
JAY K. GHIYA
SUSAN TRAUB BOYD
JENNIFER L. POLSE
TODD J. ROSEN
DANIEL L. GEYSER
BRIAN R. HOCHLEUTNER
DEAN N. KAWAMOTO
GRANT A. DAVIS-DENNY
E. MARTIN ESTRADA
JASON RANTANEN
AMY C. TOVAR
REBECCA GOSE LYNCH
JONATHAN H. BLAVIN
JOHN R. GRIFFIN
KAREN J. FESSLER
MICHELLE T. FRIEDLAND
J. RAZA LAWRENCE
LIKA C. MIYAKE
MELINDA EADES LeMOINE
ANDREW W. SONG
DANIEL A. BECK
YOHANCE C. EDWARDS
JULIE D. CANTOR
SETH GOLDMAN
FADIA ISSAM RAFAEDIE
DANIEL J. POWELL
DANIEL B. LEVIN
JOSHUA P. GROBAN
VICTORIA L. BOESCH
HAILYN J. CHEN
BRAD SCHNEIDER

DAVID W. SWIFT
JEAN Y. RHEE
ALEXANDRA LANG SUSMAN
GENEVIEVE A. COX
MIRIAM KIM
MISTY M. SANFORD
BRIAN P. DUFF
AIMEE FEINBERG
JOEL D. WHITLEY
JEFFREY E. ZINSMEISTER
MONICA DIGGS MANGE
KATHERINE L. HALL
KATHERINE KU
KIMBERLY A. CHI
SHOSHANA E. BANNETT
TINA CHAROENPONG
TERI-ANN E.S. NAGATA
ADAM B. BADAWI
ASHFAQ G. CHOWDHURY
LEE S. TAYLOR
DEREK J. KAUFMAN
KIMBERLY D. ENCINAS
MARCUS J. SPIEGEL
GABRIEL P. SANCHEZ
BETHANY C. WOODARD
PAULA R. LEVY
CONNIE Y. CHIANG
DAVID C. YANG
WILLIAM E. CANO
EMILY PAN
BILL WARD
HENRY E. ORREN
MATTHEW J. SPENCE
BENJAMIN W. HOWELL
WESLEY SHIH
JACOB S. KREILKAMP
PAUL J. KATZ
ARIEL A. NEUMAN
RICHARD D. ESBENSHADE¹
ALLISON B. STEIN
PETER R. TAFT
OF COUNSEL
E. LEROY TOLLES
RETIRED

¹A PROFESSIONAL CORPORATION

VIA HAND DELIVERY AND ELECTRONICALLY

The Honorable Douglas P. Woodlock
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
John Joseph Moakley U.S. COURTHOUSE, Ste. 4110
One Courthouse Way
Boston, Massachusetts 02210

Re: ***John Hancock Life Insurance Company, et al. v. Abbott Laboratories,
U.S.D.C. (Mass.) CV 05-11150-DPW***

Dear Judge Woodlock:

I write to respond briefly to Brian Davis' letter of December 7, 2007 opposing Abbott Laboratories' letter request of December 5, 2007 for a new trial date in this case.

As expected, Mr. Davis first complains that I didn't file a motion for a continuance in the *Slaughter* case. Contrary to Mr. Davis' contention, I never told this Court that I believed a contested motion to continue the *Slaughter* case would be brought or could succeed; rather I stated that I would inquire of opposing counsel (and then the court if they agreed) about the possibility of a continuance. While this case is older than the *Slaughter* case, Mr. Davis overlooks the fact that the trial date in *Slaughter* was set in February 2007. Mr. Davis can question my judgment and timing in proceeding as I did to attempt to move that trial by consent, but not my motives in raising the issue with this Court and trying to resolve it to the best of my

WRITER'S DIRECT LINE
(213) 683-9127
(213) 683-5127 FAX
Jeffrey.Weinberger@mto.com

MUNGER, TOLLES & OLSON LLP

The Honorable Douglas P. Woodlock

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ability, instead of simply asking this Court for a later trial date in the first instance. My clients should not be punished for my attempt to accommodate all parties concerned.

Mr. Davis also erroneously suggests that Abbott is responsible for delays which have prevented this trial from occurring earlier. In fact, in December 2007 Hancock chose to amend its complaint, with Abbott's consent, to add significant new claims of misrepresentation regarding ABT 773, which required at least 4 months of additional discovery. But for this last minute amendment by Hancock, the trial in this case would most likely already have been concluded.

Finally, Mr. Davis does not point to any prejudice that will be suffered by his client or his firm if the trial is continued as requested. By contrast, my clients in the *Slaughter* case will be deprived of the counsel of their choice.

Sincerely,

/s/ Jeffrey I. Weinberger

JIW:ncm

cc: Brian A. Davis, Esq.
Michael S. D'Orsi, Esq.

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